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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,585	06/21/2001	David W. Carman	NA01-00201	8239

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EXAMINER

LANIER, BENJAMIN E

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/887,585

Applicant(s)

CARMAN ET AL.

Examiner

Benjamin E Lanier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1, 4, 7, 10, 11, 14, 19, 22, 25, 28, 29, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatebayashi, in view of Mizikovsky, U.S. Patent No. 5,748,734.

Referring to claims 1, 4, 19, 22, Tatebayashi discloses a key distribution protocol wherein when a first user at a first terminal desires to share a common key or secret key with a second user at a second terminal, the first user generates a random number as a first key encryption key. The first key encryption key signal is passed to the network center using a public key scheme (Section 3), which meets the limitation of sending a first message from the first node to the super node, wherein the first message includes a first partial key value encrypted using a public key belonging to the super node, whereby encrypting with the public key requires less energy than decrypting with a private key corresponding to the public key. The network center receives the

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key encryption key (Section 3), which meets the limitation of recovering the first partial key value at the super node by decrypting using the private key. Tatebayashi does not disclose that the network center transmits the key encryption key of the first node to the second node, the key encryption key of the second node to the first node, or establishing the common or secret key for communication between the first node and the second node by the first and second nodes using the received partial keys. Mizikovsky discloses a method of generating cryptographic keys for communication between a first node and a second node wherein the first and second nodes generate random seeds that are communicated through a base station to the other node. Once the random seed of the other node is received a common cryptographic key is generated and used for communication (Col. 7, lines 9-65), which meets the limitation of securely communicating the first partial key value to the second node, establishing the cryptographic key at the second node using the first partial key value and a second partial key value created by the second node, sending a third message from the second node to the super node, wherein the third message includes the second partial key value encrypted using the public key belonging to the super node, recovering the second partial key value at the super node by decrypting using the private key, securely communicating partial key value to the first node, and establishing the cryptographic key at the first node using the first partial key value and the second partial key value. It would have been obvious to one of ordinary skill in the art at the time the invention was made to the generate the common cryptographic key of Tatebayashi in the nodes as well as the network center in order to enhance the security of wireless communication infrastructure as taught in Mizikovsky (Col. 8, lines 14-19).

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Referring to claims 7, 10, 11, 14, 25, 28, 29, 32, Mizikovsky discloses that central facility or network center stores the private keys for all users in a classic key system (Section 2.1), which meets the limitation of encrypting communications from the super node to a selected node using the symmetric key of that selected node.

4. Claims 8, 9, 12, 13, 17, 18, 26, 27, 30, 31, 35, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatebayashi, in view of Mizikovsky, U.S. Patent No. 5,748,734 as applied to claims 1, 4, 7, 11 above, and further in view of Menezes. Referring to claims 8, 12, 17, 18, 26, 30, 35, 36, Tatebayashi discloses a key distribution protocol wherein when a first user at a first terminal desires to share a common key or secret key with a second user at a second terminal, the first user generates a random number as a first key encryption key. The first key encryption key signal is passed to the network center using a public key scheme (Section 3), which meets the limitation of sending a first message from the first node to the super node, wherein the first message includes a first partial key value encrypted using a public key belonging to the super node, whereby encrypting with the public key requires less energy than decrypting with a private key corresponding to the public key. The network center receives the key encryption key (Section 3), which meets the limitation of recovering the first partial key value at the super node by decrypting using the private key. Mizikovsky discloses a method of generating cryptographic keys for communication between a first node and a second node wherein the first and second nodes generate random seeds that are communicated through a base station to the other node. Once the random seed of the other node is received a common cryptographic key is generated and used for communication (Col. 7, lines 9-65), which meets the limitation of securely communicating the first partial key value to the second node, establishing

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the cryptographic key at the second node using the first partial key value and a second partial key value created by the second node, sending a third message from the second node to the super node, wherein the third message includes the second partial key value encrypted using the public key belonging to the super node, recovering the second partial key value at the super node by decrypting using the private key, securely communicating partial key value to the first node, and establishing the cryptographic key at the first node using the first partial key value and the second partial key value. Mizikovsky does not disclose the use of certificates to validate the keys used during the communication process. Menezes discloses methods of key distribution and key management wherein the symmetric keys used to set up secure communications are validated using certificates (Pages 554-555). It would have been obvious to one of ordinary skill in the art at the time the invention was made to validate the symmetric keys of Mizikovsky in order to avoid the requirement of either user terminal or node maintaining a secure database of user secrets as taught in Menezes (Page 554).

Referring to claims 9, 13, 27, 31, Menezes discloses that the certificates have a period of validity that would require the acquisition of new symmetric keys (Page 554), which meets the limitation of the certificate includes validation information for a plurality of symmetric keys and wherein a new second node symmetric key is selected periodically from the plurality of symmetric keys. It would have been obvious to one of ordinary skill in the art at the time the invention was made to validate the symmetric keys of Mizikovsky in order to avoid the requirement of either user terminal or node maintaining a secure database of user secrets as taught in Menezes (Page 554).

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5. Claims 2, 3, 5, 6, 15, 16, 20, 21, 23, 24, 33, 34, 37, 38 are rejected under 35

U.S.C. 103(a) as being unpatentable over Tatebayashi, in view of Mizikovsky, U.S. Patent No. 5,748,734 as applied to claims 1, 4 above, and further in view of Menezes. Referring to claims 2, 3, 5, 6, 15, 16, 20, 21, 23, 24, 33, 34, 37, 38, Tatebayashi discloses a key distribution protocol wherein when a first user at a first terminal desires to share a common key or secret key with a second user at a second terminal, the first user generates a random number as a first key encryption key. The first key encryption key signal is passed to the network center using a public key scheme (Section 3), which meets the limitation of sending a first message from the first node to the super node, wherein the first message includes a first partial key value encrypted using a public key belonging to the super node, whereby encrypting with the public key requires less energy than decrypting with a private key corresponding to the public key. The network center receives the key encryption key (Section 3), which meets the limitation of recovering the first partial key value at the super node by decrypting using the private key. Mizikovsky discloses a method of generating cryptographic keys for communication between a first node and a second node wherein the first and second nodes generate random seeds that are communicated through a base station to the other node. Once the random seed of the other node is received a common cryptographic key is generated and used for communication (Col. 7, lines 9-65), which meets the limitation of securely communicating the first partial key value to the second node, establishing the cryptographic key at the second node using the first partial key value and a second partial key value created by the second node, sending a third message from the second node to the super node, wherein the third message includes the second partial key value encrypted using the public key belonging to the super node, recovering the second partial key value at the super node by

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decrypting using the private key, securely communicating partial key value to the first node, and establishing the cryptographic key at the first node using the first partial key value and the second partial key value. Mizikovsky discloses that use of verification information that is transferred between the wireless terminals to authenticate the key transmissions (Col. 7, line 58 – Col. 8, line 14), but does not disclose that the verification information is hashes or MACs. Menezes discloses that MACs are used for data verification (Page 362). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use MAC codes in the key distribution protocol of Tatebayashi in order to provide transaction authentication of exchanges between parties as taught in Menezes.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E Lanier whose telephone number is 571-272-3805. The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

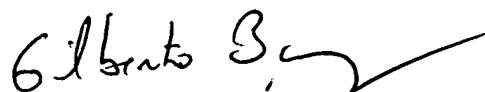
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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